

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : **CRIMINAL NO. 1:08-CR-431**  
:   
v. : (Chief Judge Kane)  
:   
BRIAN E. BOYCE, : (Magistrate Judge Smyser)  
:   
:

**REPORT AND RECOMMENDATION**

The defendant appeared before me January 13, 2009 and entered a plea of guilty to the Information. The court conducted a full colloquy with the defendant and has determined the following:

1. That the defendant is competent and capable of entering an informed plea;
2. That the defendant is aware of the nature of the charges and the consequences of the plea;
3. That the plea of guilty is a knowing and voluntary plea;
4. That the plea is supported by an independent basis in fact containing each of the essential elements of the offense.

On the basis of the foregoing, it is recommended that the court enter an Order adjudging the defendant guilty of the offenses contained in the Information. By a separate Order, a presentence investigation was ordered with disclosure of the presentence report to the parties on or before March 9, 2009.

/s/ J. Andrew Smyser  
J. Andrew Smyser  
Magistrate Judge

Dated: January 15, 2009.